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Message Text

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ACTION ARA-14

INFO OCT-01 ISO-00 SS-15 SP-02 PM-05 INR-10 H-01 L-03
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E.O. 11652: NA
TAGS: CGEN, PN, PQ
SUBJECT: IMPLEMENTING LEGISLATION - IMMIGRATION

REF: 77 PANAMA 8301

1. YESTERDAY EVENING, I WAS ADVISED THAT ARMY HAD AUTHORIZED THE CANAL COMPANY/GOVERNMENT TO RELEASE A MEMORANDUM REGARDING IMMIGRATION WHEN THE TEXT OF THE DRAFT IMPLEMENTING LEGISLATION IS RELEASED HERE THIS AFTERNOON, TUESDAY, MARCH 7. THE MEMORANDUM WOULD QOUTE THE REVISED DEFINITION OF SPECIAL IMMIGRANT IS SECTION 410 OF THE DRAFT, BUT WOULD CONTINUE AS FOLLOWS: BEGIN QUOTE:
IN ADDITION TO THE INDIVIDUALS AUTHORIZED TO IMMIGRATE TO THE UNITED STATES UNDER THIS PROPOSED LEGISLATION, THE FOLLOWING CATEGORIES OF PANAMANIAN CITIZENS WOULD ALSO BE ALLOWED TO IMMIGRATE:
(A) PANAMANIAN NATIONALS WHO, ON THE DATE OF ENTRY INTO FORCE OF THE PANAMA CANAL TREATY, HAVE BEEN HONORABLY RETIRED FROM U.S. GOVERNMENT EMPLOYMENT ON THE ISTHMUS OF PANAMA WITH A TOTAL OF FIFTEEN YEARS, OR MORE, OF FAITHFUL SERVICE, AND THEIR ACCOMPANYING SPOUSE AND CHILDREN; AND
(B) PANAMANIAN NATIONALS WHO ARE INVOLUNTARILY SEPERATED
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FROM THEIR EMPLOYMENT WITH THE U.S. GOVERNMENT ON THE ISTHMUS OF PANAMA AS A RESULT OF THE IMPLEMENTATION OF THE PANAMA CANAL TREATY, AFTER FIFTEEN YEARS, OR MORE, OF FAITHFUL SERVICE, AND THEIR ACCOMPANYING SPOUSE AND CHILDREN. END QUOTE

2. THIS MORNING, I ADVISED THE COMPANY/GOVERNMENT THAT I STRONGLY OBLECTED TO RELEASE OF THE ABOVE-QUOTED PARAGRAPH.

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3. MY STAFF HAS LEARNED INDIRECTLY THAT THIS WAS DISCUSSED
BY ARMY AND L IN WASHINGTON, AND THAT THE ABOVE-QUOTED
LANGUAGE RELATED TO A PROPOSED LETTER TO ARMY WHICH
WOULD UTILIZE THE SECRETARY'S EXISTING STATUTORY AUTHORITY
TO ADMIT AS SPECIAL IMMIGRANTS NON-US CITIZEN USG EMPLOYEES IF
CERTAIN SPECIAL CIRCUMSTANCES EXIST.
I INFER THAT THIS PROPOSAL WOULD AMOUNT TO A BLANKET
DETERMINATION THAT SUCH SPECIAL CIRCUMSTANCES DO EXIST
FOR ANY EMPLOYEE IN THE ABOVE-DESCRIBED CATAGORIES IF THEY
WISH TO GO; THE QUOTED ANNOUNCEMENT IMPLIES TO ME THAT SUCH A
DETERMINATION HAS ALREADY BEEN MADE.

4. FIRST, I AM NOT AWARE THAT YOU HAVE MADE THIS DETERMINATION,
AND I WAS HIGHLY RELUCTANT TO CONCUR IN RELEASE OF SUCH A
STATEMENT BY A USG OFFICIAL HERE WITHOUT HAVING BEEN ADVISED
OF SUCH ACTION ON YOUR PART.

5. SECOND, THE EXISTING LAW ALSO REQUIRES THAT I RECOMMEND
SUCH CASES FOR YOUR DECISION. I QUESTION WHETHER I OR MY
SUCCESSORS SHOULD BE BOUND TO MAKE THE REQUIRED RECOMMENDATION IN
ALL CASES, REGARDLESS OF CIRCUMSTANCES.

6. I CALL TO YOUR ATTENTION THAT AS DEFINED ABOVE, THIS SPECIAL
IMMIGRANT STATUS WOULD APPLY ALSO TO EVERY RETIRED EMBASSY,
AID OR OTHER USG LOCAL NATIONAL EMPLOYEE IN PANAMA. DO WE
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REALLY INTEND THIS? AND IF WE DO IT HERE, WHAT ARE THE
POTENTIAL EFFECTS ON USG LOCAL NATIONAL EMPLOYEES IN SCORES
OF OTHER SITUATIONS AROUND THE WORLD?

7. FURTHER, AS I OBSERVED IN MY EARLIER MESSAGE, THE NUMBER
OF PEOPLE COVERED BY THESE DEFINITIONS WILL APPROACH, OR
EXCEED, 20,000 FORMER EMPLOYEES, PLUS DEPENDENTS;
IF COULD INVOLVI 60,000-100,000 PEOPLE. IN THIS TINY COUNTRY,
SUCH A RELATIVELY HUGH NUMBER WOULD MAKE A PERCEPTIBLE
DEMOGRAPHIC IMPACT IF THEY SHOULD CHOOSE TO GO, AS MANY,
PERHAPS MOST, WOULD.

8. FINALLY, ONE MUST RECALL THAT MANY OR MOST OF THESE PEOPLE
COULD ENTER THE US AT ONCE IF THEY WISHED. FAMILY TIES BETWEEN
HERE AND THE US ARE UNBELIEVABLY CLOSE; MANY QUALIFY AS PREFERENCE
IMMIGRANTS FOR THIS REASON. ANYONE RETIRED ON A USG ANNUITY
SHOULD HAVE NO PROBLEM UNDER NORMAL PROCEDURES EITHER. AND YOU AND I
CONTINUE UNDER EXISTING LAW TO HAVE DISCRETIONARY AUTHORITY
TO FIND SPECIAL CIRCUMSTANCES IN ANY CASES THAT CANNOT BE
ADEQUATELY RESOLVED BY OTHER MEANS.

9. I CONSIDER THE DRAFT LEGISLATION AS SENT TO CONGRESS,

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ALONG WITH OTHER PROVISIONS OF EXISTING LAW, TO BE A SATISFACTORY
RESOLUTION TO THIS VEXED ISSUE AS THEY NOW STAND. I CONTINUE
TO BELIEVE STRONGLY THAT SUCH A WIDE-OPEN APPROACH
AS QUOTED ABOVE IS NEITHER WISE NOR SAFE. I STRONGLY RECOMMEND
THAT NO FURTHER LEGISLATIVE OR ADMINISTRATIVE MEASURES
BE CONSIDERED, AND THAT ANY ANNOUNCEMENTS OR INQUIRIES POINT
TO THE CONSIDERABLE ARRAY OF EXISTING AVENUES FOR THE
CATEGORIES OF PERSONS DISCUSSED HEREIN TO IMMIGRATE IF THEY
WISH TO DO SO. MOST OF THEM NEED ONLY COME IN AND DISCUSS THE
MATTER WITH MY CONSULAR STAFF.

10. I UNDERSTAND THIS SUBJECT IS OF CONSIDERABLE INTEREST TO
CONGRESSMAN METCALF AND TO ARMY SECRETARY ALEXANDER. IF YOU WISH,

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I WILL BE
GLAD TO TELEPHONE EITHER OR BOTH AND DISCUSS THIS SITUATION
WITH THEM PERSONALLY.
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